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Ukraine is a source, transit, and increasingly destination country for men, women, and children subjected to forced labor and sex trafficking. Ukrainian victims are subjected to trafficking in Russia, Poland, Turkey, Italy, Austria, Spain, Germany, Portugal, the Czech Republic, the United Arab Emirates, Indonesia, Kazakhstan, Azerbaijan, the United Kingdom, Israel, Greece, Finland, Norway, Denmark, Ireland, Lebanon, Benin, Tunisia, Cyprus, Aruba, Equatorial Guinea, Bosnia and Herzegovina, Kosovo, Serbia, Hungary, Bulgaria, Moldova, Slovakia, Syria, Switzerland, the United States, Canada, and Belarus. Women continued to be forced into prostitution or subjected to domestic servitude or forced labor in service industries and textile or light manufacturing sectors. The majority of Ukrainian male labor trafficking victims were subjected to forced labor in Russia, but also in other countries, primarily as construction laborers, factory and agricultural workers, or sailors. Children were most often forced into prostitution or forced to beg. The number of Ukrainian victims subjected to forced labor and forced prostitution within the country continued to increase. Homeless children or children in orphanages continued to be particularly vulnerable to trafficking in Ukraine. Men, women, and children from the Democratic Republic of Congo, Moldova, Uzbekistan, the Czech Republic, and Pakistan are subjected to forced labor and sex trafficking in Ukraine.

The Government of Ukraine does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, a higher proportion of trafficking offenders were sentenced to time in prison compared with last year and prosecutors continued appealing low sentences given to trafficking offenders. The government also increased the number of victims identified and referred to NGOs for assistance. However, the government did not take sufficient steps to investigate, prosecute, and convict government officials complicit in human trafficking crimes and did not develop and implement a national victim referral mechanism.

Recommendations for Ukraine: Vigorously investigate, prosecute, and convict government officials complicit in trafficking crimes and ensure that guilty officials receive time in prison; continue to seek sentences for convicted trafficking offenders that require them to serve appropriate jail time; continue to monitor human trafficking trial procedures and encourage prosecutors to give more serious attention to human trafficking cases by appealing non-custodial sentences; continue to take steps to establish formal mechanisms for the proactive identification and referral of trafficking victims to services; expand services provided by the government to victims of trafficking and provide funding for NGOs providing critical care to victims; consider establishing a fund derived from assets seized from convicted traffickers for this purpose; provide specialized assistance to child trafficking victims; further expand prevention efforts in coordination with civil society; increase interagency coordination to combat human trafficking; adopt national counter-trafficking legislation and a national action plan; and continue trafficking-specific training for prosecutors and judges.

Prosecution

The Government of Ukraine demonstrated some increased law enforcement efforts during the reporting period. The government prohibits all forms of trafficking through Article 149 of its Criminal Code. Penalties prescribed range from three to 15 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape.

However, courts in various regions throughout Ukraine have interpreted Article 149's applicability to labor trafficking cases differently, causing some convicted labor trafficking offenders to receive light sentences. The government reported initiating 145 investigations into trafficking offenses in 2010. The government prosecuted 110 trafficking cases under Article 149 in 2010, compared with 80 trafficking cases prosecuted in 2009. The government reported that it convicted 120 trafficking offenders in 2010, compared with 110 the previous year. Sixty convicted trafficking offenders were sentenced to time in prison in 2010, compared with 33 in 2009. Sentences ranged from less than two years' to 15 years' imprisonment. Thirty-three convicted traffickers were placed on probation, a decrease from 41 convicted traffickers placed on probation in 2009. Additionally, 25 convicted traffickers remained free on appeal in 2010, compared with 36 convicted traffickers free on appeal in 2009. The government did not, however, disaggregate its law enforcement data to demonstrate whether it had investigated, prosecuted, or convicted any forced labor offenders in 2010. Government prosecutors continued to appeal low sentences imposed on convicted trafficking offenders, appealing 36 such sentences in 2010. Judges were often unwilling to acknowledge trafficking victims, hindering the prosecution of trafficking offenses. The government provided anti-trafficking training to investigators, prosecutors, and members of the judiciary, including 108 judges.

Government officials' complicity in human trafficking offenses continued to be a serious problem in 2010. As in previous years, NGOs reported that official trafficking-related corruption was a problem, including complicity of prosecutors, judges, and border guards. Local and oblast-level corruption interfered with the investigation and prosecution of trafficking cases. The government reported investigating only two cases related to corruption in local police counter-trafficking units, and did not report any new prosecutions or convictions of government officials complicit in human trafficking offenses. During 2011, three anti-trafficking officers who solicited bribes from women engaged in prostitution were convicted and sentenced to 3.5 years' imprisonment; their appeal was pending at the end of the reporting period.

Protection

The government sustained its efforts to protect and assist victims of trafficking during the reporting period. However, the government did not adopt or implement a law drafted in 2009 that would codify its anti-trafficking protection policies, establish a mechanism for referral of victims, and formalize cooperation between the government and NGOs. The government continued its pilot project, in partnership with the OSCE, to develop a referral mechanism in two oblasts; 20 victims were identified and assisted within the pilot project framework. In 2010, the government identified and referred to NGOs 449 new victims of trafficking, including 123 children, compared with 335 victims, including 42 children, identified in 2009. The government did not provide any funding to NGOs providing assistance to victims of trafficking, although it did provide some in-kind assistance to NGOs assisting victims, including administrative expenses and facility space. Government-supported shelters reported providing assistance to 39

trafficking victims in 2010 and NGO shelters assisted 31 victims of trafficking. The government, however, continued to rely on international donors to provide the majority of victim assistance. In 2010, IOM, working with its local partners, provided assistance to 1,085 victims, including 106 victims of internal trafficking, an increase from 773 victims, including 32 internal trafficking victims, assisted in 2009. The government continued to place child trafficking victims in temporary shelters for homeless children that do not offer specialized services for trafficking victims; some child trafficking victims were housed in juvenile detention centers. The government encouraged victims to cooperate with law enforcement in the prosecution of their traffickers and 214 victims assisted in trafficking investigations or prosecutions in 2010; however, NGOs noted serious deficiencies in the protection of victims during the trial process. There were no reports of victims being punished for unlawful acts committed as a direct result of being trafficked; however, some victims were detained because there was no mechanism to release them from deportation proceedings. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.

Prevention

The Government of Ukraine continued its limited trafficking prevention activities during 2010. The government provided in-kind and limited financial assistance to NGOs for trafficking-prevention activities. In cooperation with foreign funders, the Ministry of Education and Science of Ukraine developed a secondary school lesson, "Prevention of Human Trafficking," and facilitated a series of workshops to help teachers discuss human trafficking issues with children. Local authorities provided modest financial and in-kind assistance to NGOs to carry out prevention campaigns, including television and radio announcements and leaflet distribution. Together with IOM, the government conducted six counter-trafficking training sessions for Ukrainian troops prior to deployment for international peacekeeping duties in 2010; these trainings are mandatory for Ukrainian peacekeepers. It remains unclear, following the government's re-organization in 2010, which agency has the primary responsibility for anti-trafficking efforts, and whether that entity will receive sufficient resources and political support to carry out trafficking prevention. The Government of Ukraine's National Plan on Combating Human Trafficking expired in mid-2010. Together with IOM, the government implemented a pilot program in 2010 to prevent child sex tourism, which included the distribution of anti-trafficking posters and information cards.